

Application No. 09/675,743
Amendment Dated March 23, 2004
Reply to Final Rejection of February 24, 2004

REMARKS/ARGUMENTS

By this Amendment, claims 12-15 are canceled. Claims 1-4, 16 and 19-29 are pending, with claims 21-27 and 29 having been withdrawn from consideration pursuant to a restriction requirement.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment: (a) places the application into condition for allowance (for reasons discussed herein), (b) does not raise any new issues requiring further search and/or consideration (because the Amendment is directed to subject matter previously considered during prosecution), (c) does not present any additional claims without canceling a corresponding number of finally rejected claims, and (d) places the application into better form for appeal, should an appeal be necessary. The Amendment was not previously made because the form of the Amendment was not determined until issuance of the Final Rejection. Applicants respectfully request entry of the Amendment.

Applicants gratefully acknowledged the statement in the Final Rejection that claims 1-4, 16, 19, 20 and 28 are allowed. Accordingly, claims 12-15 are canceled by this Amendment to obviate all pending rejections and expedite allowance of the application.

Withdrawn claims 21-27 and 29 are species of the genus defined by generic claim 1 and should be allowed along with claim 1. See, e.g., Manual of Patent Examining Procedure (MPEP) at § 806.04, which provides in pertinent part:

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Once a claim that is determined to be generic is allowed, all of the claims drawn to species in addition to the elected species which include all the limitations of the generic claim will ordinarily be obviously allowable in view of the allowance of the generic claim, since the additional species will depend thereon or otherwise include all of the limitations thereof.

As claim 1 is generic to the species of non-elected claims 21-27 and 29, and non-elected claims 21-27 and 29 include all the limitations of generic claim 1 (from which all of the non-elected claims ultimately depend), Applicants respectfully request the Examiner to withdraw the restriction requirement against non-elected claims 21-27 and 29, and allow all of the claims pending in this application.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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March 23, 2004

Please charge or credit our
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to effect entry and/or ensure
consideration of this submission.